

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

SCHYLER GRODMAN,

Plaintiff,

v.

TEXAS TECH UNIVERSITY HEALTH
SCIENCES CENTER,

Defendant.

No. 5:23-CV-210-H

ORDER

Before the Court is the plaintiff's Motion for Leave to File First Amended Complaint (Dkt. No 14), the defendant's response (Dkt. No. 16), and the plaintiff's reply (Dkt. No. 19).


The plaintiff seeks leave to amend his complaint in the following ways: (1) removing his claims under the Americans with Disabilities Act and the Texas Commission on Human Rights Act (TCHRA); (2) adding a "Procedural Due Process claim against Texas Tech" and an additional claim against a novel defendant under 42 U.S.C. § 1983; and (3) modifying and clarifying the plaintiff's claims under the Rehabilitation Act. Dkt. Nos. 14 at 1.

Because the parties agree as to the claim removals and because of the strong policy favoring leave to amend once as to the claim additions, the Court grants the motion. Further, because the claims that Texas Tech sought to have dismissed pursuant to sovereign immunity have been removed, *see* Dkt. No. 5, the Court further denies Texas Tech's Partial Motion to Dismiss as moot.

The parties have agreed to remove the plaintiff's ADA and TCHRA claims. Dkt. No. 14 at 1–2. And while the parties have not agreed to the addition of the new claims, Federal Rule of Civil Procedure 15(a)(2) states that "[t]he court should freely give leave [to

amend] when justice so requires.” Fed. R. Civ. P. 15(a)(2). “Rule 15(a) requires a trial court to grant leave to amend freely, and the language of this rule evinces a bias in favor of granting leave to amend.” *Marucci Sports, L.L.C. v. NCAA*, 751 F.3d 368, 378 (5th Cir. 2014) (quoting *Jones v. Robinson Prop. Grp., L.P.*, 427 F.3d 987, 994 (5th Cir. 2005)). Having reviewed the motion, the response, the reply, and the applicable law, the Court grants the motion (Dkt. No. 14) as to each set of amendments. The Clerk of Court is directed to file the amended complaint (Dkt. No. 14-1) as a separate docket entry.

So ordered on January 17, 2024.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE